

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JASON YEARY) No. _____
)
 Plaintiff)
)
 v.)
)
 FORD MOTOR COMPANY,)
)
 Defendant)
)

NOTICE OF REMOVAL

TO: THE CHIEF JUDGE AND JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

The defendant, Ford Motor Company (“Ford”), hereby gives notice of the removal of the above-captioned matter from the Superior Court, Suffolk County, Commonwealth of Massachusetts, to the United States District Court for the District of Massachusetts, pursuant to 28 U.S.C. § 1446. In support of this notice, Ford states:

1. Upon information and belief, on or about May 5, 2010, the plaintiff, Jason Yeary, filed a Complaint and Jury Claim in the Superior Court, Suffolk County, Commonwealth of Massachusetts. A copy of the Complaint and Jury Claim is attached hereto as Exhibit A.
2. A copy of the Complaint and Jury Claim, Summons, Proof of Service Form, Civil Action Cover Sheet, Scheduling Order, First Set of Interrogatories and First Request for Production of Documents were served on Ford’s agent for service of process in Massachusetts, CT Corporation, on June 9, 2010. See Exhibits A-G for a copy of all process, pleadings, and orders served upon Ford. 28 U.S.C. § 1446(a).
3. This is a personal action in which the named plaintiff, Jason Yeary, seeks recovery from

Ford for injuries which he allegedly sustained in a slip and fall accident alleged to have occurred on December 18, 2007 while on the premises as an employee of Lighthouse Ford, Inc. in Falmouth, MA. The plaintiff alleges that his accident occurred because of an “unnatural accumulation of snow and ice”. Exhibit A, paragraph 3.

4. The plaintiff seeks recovery under a theory of negligence. Exhibit A, paragraph 6.
5. The plaintiff claims further that as a result of the alleged negligence, he was “caused to sustain severe and permanent physical injuries, suffered great pain and anguish of mind, required extensive hospital and medical care and treatment, lost time from work, and [an] inability to engage in normal and usual activities.” Exhibit A, paragraph 9.
6. In his Civil Action Cover Sheet, he alleges specifically that he was diagnosed with a compound fracture of his left ankle and underwent surgery where hardware was inserted into his ankle to repair the fracture. He specifies an alleged monetary loss to date of \$83,800 in past medical expenses and lost wages. Exhibit D.
7. Given the nature of the plaintiff’s alleged injuries and damages, the amount in controversy exceeds \$75,000.
8. Upon information and belief, the plaintiff, Jason Yeary resides in East Falmouth, Massachusetts.
9. The defendant, Ford, is a Delaware corporation with a usual place of business in Dearborn, Michigan.
10. Federal jurisdiction exists pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between the plaintiff and Ford and the amount in controversy, exclusive of interest and costs, exceeds \$75,000. The action is removable pursuant to 28 U.S.C. § 1441(b) because Ford is not a citizen of Massachusetts.

11. This Notice of Removal has been filed within thirty days (30) after receipt by Ford, through service or otherwise, of a copy of the Complaint and within thirty days (30) after the service of the summons upon Ford's agent for service of process.
12. The only defendant desires and therefore consents to this Notice of Removal.
13. A copy of this Notice of Removal will be promptly filed with the Clerk of the Superior Court, Suffolk County, Commonwealth of Massachusetts, and served on counsel of record for the plaintiffs pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Ford requests removal of the above-captioned action from the Superior

Court, Suffolk County, Commonwealth of Massachusetts, to the United States District Court for the District of Massachusetts.

Dated: June 25, 2010

FORD MOTOR COMPANY

By its Attorneys,

/s/ Michelle I. Schaffer
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CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2010, a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

Richard J. Sullivan
Ralph Cafarelli
40 Washington Street
Wellesley, MA 02481

/s/ Michelle I. Schaffer
Michelle I. Schaffer